UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,564	08/16/2006	Hiroshi Asada	04173.0522	9485

22852   7590   09/13/2010

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EXAMINER
CLAWSON, STEPHEN J

ART UNIT	PAPER NUMBER
2461	

MAIL DATE	DELIVERY MODE
09/13/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2010*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5-8 and 13-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5,6,8,13,14 and 16* is/are rejected.

7)☒ Claim(s) *7 and 15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 5-8 and 13-16 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 5, 6, 8, 13, 14, and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Codignotto (2010/0150446) , and further in view of Droge

(2002/0004898).

        Regarding claim 5, Codignotto discloses a voice mail device, comprising:

        a first audio data storing section which stores audio data in a first encoding

format; **(See Codignotto fig. 11, '1100'; streaming audio format (i.e. first encoding

format))**

        a second audio data storing section which stores the audio data in a second

encoding format; **(See Codignotto fig. 11, '1100'; non-streaming audio format (i.e.

second encoding format))**

an encoding format determining section which communicates with a first

telephone terminal to determine an encoding format of audio data; **(See Codignotto**

para. 44, lines 4-5; and para. 174, lines 22-25; a device that accesses the web via a

browser (i.e. telephone terminal) requests the streaming or non-streaming audio

files)

an audio data selecting section which selects audio data from the audio data in

the first encoding format and the audio data in the second encoding format based on

the determination by the encoding format determining section; **(See Codignotto para.**

44, lines 4-5; and para. 174, lines 22-25; a device that accesses the web via a

browser (i.e. telephone terminal) requests the streaming or non-streaming audio

files and therefore it has been selected)

Codignotto mentions the use the world wide web, html, and webpages **(See**

Codignotto para. 9, lines 3-8) Codignotto does not explicitly disclose a packet

converting section which converts the audio data selected by the audio data selecting

section to an audio packet; and a packet transmitting section which transmits to the first

telephone terminal the audio packet resulting from the conversion by the packet

converting section. However, Droge does disclose a packet converting section which

converts the audio data selected by the audio data selecting section to an audio packet;

and a packet transmitting section which transmits to the first telephone terminal the

audio packet resulting from the conversion by the packet converting section. **(See**

Droge para. 60; transmission of data on a packetized network to be sent over the

Internet, a packet switched network) Therefore it would have been obvious to one of

ordinary skill in the art at the time of the claimed invention to modify the apparatus of

Codignotto to include the teaching of packetizing data to be sent over a packet network

of Droge with the motivation being that it is well-known in the art and further to provide

way for sharing a medium.

Regarding claim 6, Codignotto in view of Droge discloses the voice mail device

as set forth in claim 5, further comprising:

a packet receiving section which receives a first audio packet including the audio

data in the first encoding format and a second audio packet including the audio data in

the second encoding format,

wherein the first and second audio data storing sections store the audio data

included in the first and second audio packets received by the packet receiving section.

(See Codignotto fig. 11; internet server (i.e. packet receiving section) receives the

audio file in the first and second encoding format)

Regarding claim 8, Codignotto in view of Droge discloses the voice mail device

as set forth in claim 6, wherein said packet receiving section receives the first and

second audio packets originating in audio data recorded in a storage medium. **(It is**

inherent that memory of some type would be used (i.e. ram, buffer, queue...etc.)

and this could be considered a storage medium)

Regarding claim 13, Codignotto discloses a voice mail communication method,

comprising:

storing audio data in a first encoding format; **(See Codignotto fig. 11, '1100';**

streaming audio format (i.e. first encoding format))

storing the audio data in a second encoding format; **(See Codignotto fig. 11,**

'1100'; non-streaming audio format (i.e. second encoding format))

communicating with a first telephone terminal to determine an encoding

format of audio data; **(See Codignotto para. 44, lines 4-5; and para. 174, lines 22-25;**

a device that accesses the web via a browser (i.e. telephone terminal) requests

the streaming or non-streaming audio files)

selecting audio data from the audio data in the first encoding format and the

audio data in the second encoding format based on the determined encoding format;

(See Codignotto para. 44, lines 4-5; and para. 174, lines 22-25; a device that

accesses the web via a browser (i.e. telephone terminal) requests the streaming

or non-streaming audio files and therefore it has been selected)

Codignotto mentions the use the world wide web, html, Internet, and webpages

(See Codignotto para. 9, lines 3-8) Codignotto does not explicitly disclose converting

the selected audio data to an audio packet; and transmitting the audio packet resulting

from the conversion. However, Droge does disclose converting the selected audio data

to an audio packet; and transmitting the audio packet resulting from the conversion.

(See Droge para. 60; transmission of data on a packetized network to be sent over

the Internet, a packet switched network) Therefore it would have been obvious to

one of ordinary skill in the art at the time of the claimed invention to modify the method

of Codignotto to include the teaching of packetizing data to be sent over a packet

network of Droge with the motivation being that it is well-known in the art and further to

provide way for sharing a medium.

Regarding claim 14, Codignotto in view of Droge discloses the voice mail

communication method as set forth in claim 13, further comprising:

receiving a first audio packet including the audio data in the first encoding format

and a second audio packet including the audio data in the second encoding format,

wherein the stored audio data is the audio data included in the received first and second

audio packets. **(See Codignotto fig. 11; internet server (i.e. packet receiving**

section) receives the audio file in the first and second encoding format)

Regarding claim 16, Codignotto in view of Droge discloses the voice mail

communication method as set forth in claim 14, wherein the received first and second

audio packets originate in audio data recorded in a storage medium. **(It is inherent that**

memory of some type would be used (i.e. ram, buffer, queue...etc.) and this could

be considered a storage medium)

Allowable Subject Matter

4.   Claims 7 and 15 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to STEPHEN J. CLAWSON whose telephone number is

(571)270-7498. The examiner can normally be reached on M-F 7:30-5:00 pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/STEPHEN J. CLAWSON/
Examiner, Art Unit 2461
/Huy D Vu/
Supervisory Patent Examiner, Art Unit 2461